

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI  
SOUTHERN DIVISION**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**SAFYA ROE YASSIN,**

**Defendant.**

**Case No. 16-3024-01-CR-S-MDH**

**ORDER**

Before the Court are Defendant's Motion to Dismiss Indictment (Doc. 71) and Motion to Dismiss Superseding Indictment for Vindictive Prosecution. (Doc. 78). United States Magistrate Judge David Rush has submitted a Report and Recommendation to this Court recommending that Defendant's pending motions be denied. (Doc. 101). Defendant has filed objections to the Report and Recommendation. (Doc. 104). The motions are now ripe for review.

This Court has conducted an independent review of the record before it and the applicable law. Based on the Court's independent review, the Court hereby **ORDERS** that the Report and Recommendation be adopted and that Defendant's Motion to Dismiss Indictment and Motion to Dismiss Superseding Indictment for Vindictive Prosecution be **DENIED**. The Court finds the Indictments allege, at a minimum, that Defendant intentionally and knowingly made communications containing threats to injure the person of another and knowingly conspired and agreed with one or more other persons to commit an offense against the U.S. The Court further finds that the Indictments adequately allege the charges against Defendant and the Court finds no

basis to dismiss the Superseding Indictment based on alleged vindictive prosecution. Defendant's purpose and intent in restating or re-tweeting the various messages at issue raise difficult factual questions for the jury, however, the Court finds no basis to dismiss the Indictments.

**IT IS SO ORDERED.**

Dated: April 6, 2017

/s/ Douglas Harpool  
Honorable Douglas Harpool  
United States District Judge  
Western District of Missouri